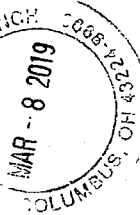


SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>CSX TRANSPORTATION INC G-4801-CI-0201804520-000 CK* C/O CT CORPORATION SYSTEM</p> <p>9590 9402 2935 7094 1297 15</p> <p>7018 2290 0002 1034 1033</p> <p>2. Article Number (transfer from service label)</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p>	
<p>4. Complete items 1, 2, and 3. 5. Print your name and address on the reverse so that we can return the card to you. 6. Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received <i>[Signature]</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053



USPS TRACKING #



9590 9402 2935 7094 1297 15

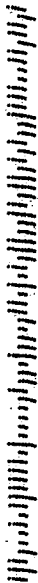
United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

MAR 12 2019

• Sender: Please print your name, address, and ZIP+4® in this box•

Lucas Co. Com. Pleas Court
Bernie Quiller, Clerk
Lucas County Clerk of Courts
700 Adams St.
Toledo, Ohio 43604



LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE:

OTHER TORT

CSX TRANSPORTATION INC
C/O CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY STE 125
COLUMBUS, OH 43219

G-4801-CI-0201804520-000
JUDGE: MICHAEL R GOULDING

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

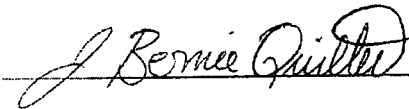
SUNOCO PIPELINE LP
525 FRITZTOWN ROAD
READING, PA 19608

ATTORNEY FOR PLAINTIFF(S)

JAMES P SILK JR
900 ADAMS ST
TOLEDO, OH 43604

BERNIE QUILTER
CLERK OF COURTS

Date: March 04, 2019



, Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**

(mark one & respond)

☐

I request to be notified by email

My email address _____

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

OR

My mailing address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0201804520-000
CSX TRANSPORTATION

INC
Message: Your email address

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

C

RETURN SHEET

TO: Lucas County Clerk of Court, J. Bernie Quilter, 700 Adams, Toledo, OH 43604

RE: SUNOCO PIPELINE LP VS. CSX TRANSPORTATION INC

CASE NO: G-4801-CI-0201804520-000

CASE JUDGE: GENE A. ZMUDA

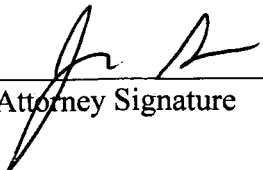
NAME OF DEFENDANT: CSX TRANSPORTATION INC
C/O CORPORATE CREATIONS NETWORK INC STATUTORY AGENT
119 E COURT STREET
CINCINNATI, OH 45202

FILED
LUCAS COUNTY
2019 MAR -1 PM 3:28
COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

- ☐ Ordinary Mail
- ☒ Certified Mail
- ☐ Certified Restricted Mail
- ☐ Sheriff - Personal Service
- ☐ Sheriff - Residence Service
- ☐ Publication
- ☒ New Address Information
CT Corporation System
4400 Easton Commons Way, Ste. 125
Columbus, OH 43219
- ☐ Special Instructions for Clerk

ATTORNEY NAME: JAMES P SILK JR

ADDRESS:
900 ADAMS ST
TOLEDO, OH 43604



Attorney Signature

FILED
LUCAS COUNTY

2019 FEB 26 PM 2:10

COMMON PLEAS COURT
BERNIE GUILTY
CLERK OF COURT

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO

SUNOCO PIPELINE LP
Plaintiff,

vs.

CSX TRANSPORTATION INC
Defendant.

* Case No. G-4801-CI-0201804520-000

*

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*

* Judgment Entry

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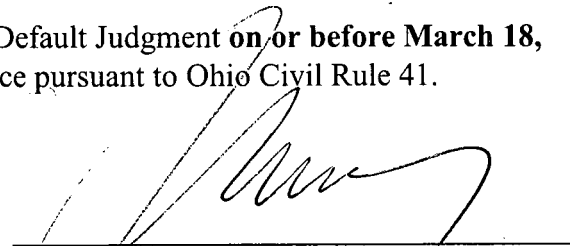
* JUDGE MICHAEL R GOULDING

*

The record of this case shows that more than 28 days have passed since service was obtained, and that no responsive pleading has been filed.

It is Ordered that plaintiff file a Motion for Default Judgment **on or before March 18, 2019**, or this case will be dismissed without prejudice pursuant to Ohio Civil Rule 41.

FEB. 26, 2019
Date


JUDGE MICHAEL R GOULDING

cc: JAMES P. SILK, JR.

E-JOURNALIZED

FILED
LUCAS COUNTY

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO

SUNOCO PIPELINE, LP,
Plaintiff,

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

Case No. G-4801-CI-0201804520-000

vs.

CSX TRANSPORTATION, INC.
Defendant.

*
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*
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*
*
*

ORDER TO TRANSFER CASE
DUE TO CHANGE IN COMMERCIAL
DOCKET JUDGE DUTY

JUDGE MICHAEL R GOULDING

This matter came on to be heard upon Order of Administrative Judge Dean P. Mandros to transfer this case to the Commercial Docket of Judge Michael R. Goulding. The Court finds this transfer to be in accordance with Rules 49 through 49.12 of the Rules of Superintendence for Courts of Ohio well taken and hereby GRANTS the same.

It is ORDERED that SUNOCO PIPELINE LP vs CSX TRANSPORTATION INC., G-4801-CI-0201804520-000 be transferred from the former commercial docket of Judge GENE A ZMUDA to the commercial docket of Judge MICHAEL R GOULDING.

The Court Continues the matter for further proceedings.

2-8-19

Date



COMMERCIAL DOCKET JUDGE
MICHAEL R. GOULDING

cc: JAMES P. SILK, JR., ESQ.

E-JOURNALIZED

G-4801-CI-0201804520-000 (CD) SUNOCO VS CSX TRANSPORT-February 07, 2019-213 - 000000011- Page 1

FEB 12 2019

TO: JAMES P SILK JR
RE: SUNOCO PIPELINE LP VS CSX TRANSPORTATION INC
CASE NO: G-4801-CI-0201804520-000
CASE JUDGE: GENE A. ZMUDA

NAME OF DEFENDANT: CSX TRANSPORTATION INC
C/O CORPORATE CREATIONS NETWORK INC STATUTORY AGENT
119 E COURT STREET
CINCINNATI, OH 45202

Rules 4.1(1), 4.1(2), 4.1(3)
Return for failed service or process (See R. 4.6(C))

Lucas County Clerks of Courts Office advises service not completed as requested. Please be advised as follows and return instructions.

REASON FOR RETURN:

*Return receipt for certified mail shows failure of delivery to defendant.

POST OFFICE ADVISES:

*Other: RETURN TO SENDER
NOT AT THIS ADDRESS

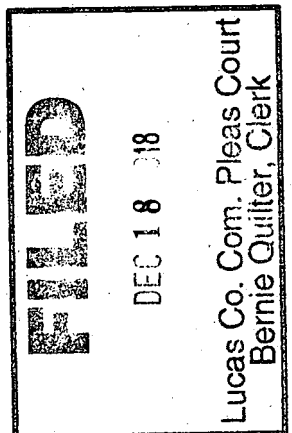
PROCESS SERVER/SHERIFF ADVISES:

VISIT US ONLINE AT
www.co.lucas.oh.us/clerk

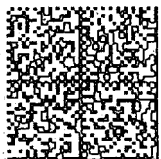
Verify Service using the "Dockets Online" link
Receive court orders via email using the "Attorney EMail Registration Link"

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party, or a Pro Se litigants representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

2018-4520
VB 1733



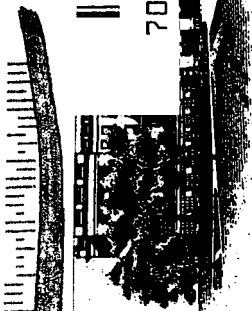
U.S. POSTAGE
ZIP 43604
02 4W
0000359174



PTS



7018 2290 0002 1038 3101



J. BERNI
Lucas County Clerk of Courts
LUCAS COUNTY COURTHOUSE
700 ADAMS STREET
TOLEDO, OHIO 43604

CSX TRANSPORTATION INC

**RETURN TO SENDER
NOT AT THIS ADDRESS**

Corporate Creations is not Agent

West Palm Beach FL 334
TUE 11 DEC 2018 PM

SHUTTER

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CSX TRANSPORTATION INC
G-4801-CI-0201804520-000
CK*



9590 9402 3121 7166 8327 81

Transfer from service (label)

7018 2290 0002 1038 3101

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
X	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
10/17	12/19
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	

3. Service Type	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail (over \$500)	

Domestic Return Receipt

USPS TRACKING#



9590 9402 3121 7066 8327 81

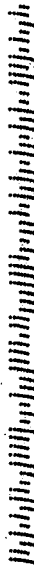
United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

DEC 12 2019

• Sender: Please print your name, address, and ZIP+4® in this box.

Lucas Co. Clerk of Courts
Bernie Quillen, Please
Lucas County Clerk of Courts
700 Adams St.
Toledo, Ohio 43604



LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

**SUMMONS
CIVIL ACTION**

FILING TYPE:

OTHER TORT

CSX TRANSPORTATION INC
C/O CORPORATE CREATIONS NETWORK INC
STATUTORY AGENT
119 E COURT STREET
CINCINNATI, OH 45202

G-4801-CI-0201804520-000
JUDGE: GENE A. ZMUDA

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

SUNOCO PIPELINE LP
525 FRITZTOWN ROAD
READING, PA 19608

ATTORNEY FOR PLAINTIFF(S)

JAMES P SILK JR
900 ADAMS ST
TOLEDO, OH 43604

BERNIE QUILTER
CLERK OF COURTS

Date: December 04, 2018

 , Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**
(mark one & respond)

☐

I request to be notified by email

My email address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0201804520-000
CSX TRANSPORTATION

INC
Message: Your email address

OR

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

My mailing address _____

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

**LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION**

FILED LUCAS COUNTY
12/03/2018 04:18 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 29124

TO: Bernie Quilter, Clerk of Courts

CASE NO. _____

JUDGE _____

G-4801-CI-0201804520-000

Judge

GENE A. ZMUDA

The following type of case is being filed:

Professional Malpractice☐ Legal Malpractice (L)☐ Medical Malpractice (M)☐ **Product Liability (B)**☒ **Other Tort (C)****Workers' Compensation**☐ State Funded (D)☐ Self Insured (K)☐ **Administrative Appeal (F)**☒ **Commercial Docket**

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil☐ Consumer Fraud (N) ☐ Forfeiture☐ Appropriation (P) ☐ Court Ordered☐ Other Civil (H) ☐ Certificate of Title☐ Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge _____, the original Judge at the time of dismissal. The previously filed case number was CI _____.

This case is a civil forfeiture case with a criminal case currently pending. The pending case number is _____, assigned to Judge _____.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is _____, assigned to Judge _____.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number _____ Assigned Judge _____

Approve/Deny

Date

Approve/Deny

Date

Attorney

James P. Silk, Jr. / Teresa L. Grigsby / Spengler Nathanson P.L.L.

Address

900 Adams Street

Toledo, Ohio 43604

Telephone

(419) 241-2201

EFILED LUCAS COUNTY
12/03/2018 04:18 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 29124

**IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO**

G-4801-CI-0201804520-000

SUNOCO PIPELINE L.P.
525 Fritztown Road
Reading PA 19608

Plaintiff,

v.

CSX TRANSPORTATION, INC.
c/o Corporate Creations Network, Inc.
Statutory Agent
119 E. Court Street
Cincinnati, Ohio 45202

Defendant.

) Case No.
)
) Hon.
)
) **COMPLAINT (WITH JURY**
) **DEMAND ENDORSED HEREON**
)
) James P. Silk, Jr. (0062463)
) Teresa L. Grigsby (0030401)
) SPENGLER NATHANSON P.L.L.
) 900 Adams Street
) Toledo, Ohio 43604
) Telephone: (419) 241-2201
) Facsimile: (419) 241-8599
) jsilk@snlaw.com
) tgrigsby@snlaw.com
)
) *Counsel for Plaintiff*

PARTIES

1. Sunoco Pipeline L.P. ("Sunoco") is a limited partnership located in Pennsylvania.

2. Defendant CSX Transportation, Inc. ("CSX") has its principal place of business located in Jacksonville, Florida. CSX conducts business on a regular basis in Ohio, and regularly operates trains in and through the City of Toledo and maintains the supporting railroad infrastructure located throughout the City. CSX operated a train in

the City of Toledo on December 4, 2016, and it is that occurrence and its failure to properly maintain the supporting railroad infrastructure that gives rise to this lawsuit.

JURISDICTION AND VENUE

3. Jurisdiction and venue are appropriate as the incident occurred in Toledo, Ohio.

FACTUAL ALLEGATIONS

4. On December 4, 2016, a CSX freight train derailed in Toledo, Ohio and two empty railcars came to rest on top of two Sunoco pipelines.

5. The two Sunoco pipelines impacted were the DSPL line, which is a six-inch/eight-inch petroleum pipeline, and the York Street/Pickle Road line, which is a 16-inch crude line.

6. The DSPL line was shut down from December 4, 2016 through December 7, 2016, and the York Street/Pickle Road line was shut down from December 4, 2016 through December 6, 2016.

7. Damages arising from damage to the pipelines due to the CSX derailment are \$684,563.17.

FIRST CAUSE OF ACTION
(Negligence)

8. Sunoco re-alleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 8 above.

9. At all times relevant to this action, CSX operated the above-referenced train as well as owned or lease the track upon which the train traveled.

10. At all times relevant to this action, CSX employed the train crews involved in maintaining and operating the train; owned, leased, maintained or were otherwise

responsible for the cars of the train; and owned, leased, maintained and controlled the tracks upon which train traveled.

11. CSX had a duty to conduct itself and its operations in a safe manner, to operate and maintain the track, locomotives, and cars in a safe manner, and to train personnel and implement appropriate methods and devices so as to prevent derailments.

12. The derailment and resulting damages to Sunoco were proximately caused by the negligent acts of CSX.

13. As a proximate result of the foregoing actions or omissions of CSX, which amount to a conscious disregard for the rights and safety of other persons that had a greater probability of causing substantial harm, Sunoco suffered damages and is entitled to recover those damages as determined by a jury.

SECOND CAUSE OF ACTION
(Gross Negligence)

14. Sunoco re-alleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 13 above.

15. The derailment and resulting damages to Sunoco were proximately caused by the willful, wanton, reckless, and grossly-negligent acts of Defendant.

16. As a proximate result of the foregoing actions of CSX, which amount to a conscious disregard for the rights and safety of other persons that had a greater probability of causing substantial harm, Sunoco suffered damages and is entitled to recover those damages as determined by a jury.

THIRD CAUSE OF ACTION
(Nuisance)

17. Sunoco re-alleges and incorporates by reference herein each and every allegation contained in paragraphs 1 through 16 above.

18. Sunoco had ownership of property damaged by the above-described derailment.

19. CSX has unreasonably inconvenienced, damaged and interfered with Sunoco's quiet and exclusive enjoyment of its property.

20. CSX's above-described nuisance has resulted in damages to the property of Sunoco.

21. As a result of the above-described nuisance, Sunoco is entitled to judgment against CSX.

WHEREFORE, Sunoco Pipeline L.P. demands judgment against CSX Transportation, Inc. in the amount of \$684,563.17. Sunoco also seeks such other and further additional damages and relief as is fair and just, including an award of the cost and fees associated with this litigation.

Respectfully submitted,

/s/ James P. Silk, Jr.

James P. Silk, Jr. (0062463)

Teresa L. Grigsby (0030401)

SPENGLER NATHANSON P.L.L.

900 Adams Street

Toledo, Ohio 43604

Phone: (419) 241-2201

Fax: (419) 241-8599

jsilk@snlaw.com

tgrigsby@snlaw.com

Counsel for Plaintiff

JURY DEMAND

Plaintiff hereby demands trial by jury on all issues so triable.

/s/ James P. Silk, Jr.

James P. Silk, Jr.

Counsel for Plaintiff

418714